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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/675,489

09/30/2003

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14305US02

6006

23446 7590 09/02/2009
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EXAMINER

RYAN, PATRICK A

ART UNIT

PAPER NUMBER

2427

MAIL DATE

DELIVERY MODE

09/02/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/675,489	Applicant(s) KARAOGUZ ET AL.	
	Examiner PATRICK A. RYAN	Art Unit 2427	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is made in response to Amendment Under 37 CFR 1.114 ("Reply"), filed July 13, 2009. Applicant has amended Claims 1, 11, and 21; has added Claims 32-46; and no claims have been canceled. As amended, Claims 1-46 are presented for examination.

2. In Office action of May 4, 2009 ("Office Action"):

Claims 1-31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al., United States Patent (6,240,555 B1) in view of Marshall et al., United States Patent (6,735,487 B1).

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 13, 2009 has been entered.

Response to Arguments

4. Applicant's arguments with respect to Claims 1, 11, and 21 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

5. Claims 34, 39, and 44 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 34, 39, and 44 recite the limitation “displaying said announcement based on interaction of said user”, where each respective independent claim recites “displaying on said television screen without any input from said user”. The Examiner does not find an explanation within the specification of the instant application for displaying an announcement with and without user interaction. For the purpose of this Office Action, the Examiner will assume Claims 34, 39, and 44 to read “receiving said announcement based on interaction of said user”.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-32, 34-37, 39-42, and 44-46 are rejected under 35 U.S.C. 102(e) as being anticipated by Yen et al., United States Patent (6,668,278 B1), hereinafter “Yen”.

8. In reference to Claim 1, Yen teaches a method for providing information related to a broadcast television program (generally shown in State Diagram of Fig. 2, as introduced in Col. 12 Lines 50-58), the method comprising:

generating an announcement, remotely from a user's home, (additional information from broadcast television provider, internet service, or intranet service, as described in Col. 4 Line 65—Col. 5 Line 65; with further reference to Col. 6 Lines 35-44, Col. 7 Line 25—Col. 8 Line 33, Col. 13 Lines 7-19);

delivering said announcement along with the broadcast television program for display on a television screen within the home (Background Element 121 receives and identifies information which is likely to be interesting to the recipient for display on Output Device 131 of Fig. 1, as described in Col. 6 Lines 1-9, Col. 7 Lines 25-40),

wherein the announcement is displayed on the television screen without any input from the user (Foreground Element 122 presents an indicator for the item, as described in Col. 6 Lines 14-19, Col. 11 Line 58—Col. 12 Line 2), said announcement is independent of media content that is being displayed on said television screen at the time of said announcement (Foreground Element 122 can determine which information

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items can or should be displayed to the recipient, as described in Col. 9 Lines 27-50), and said announcement is delivered based on a profile of said user (set of preferences for the recipient, as described in Col. 9 Lines 53-60; with further reference to Col. 11 Lines 42-57 and Col. 13 Lines 38-58); and

receiving an input from the user that corresponds to the delivered announcement (Foreground Element 122 can request confirmation from the recipient, and if confirmed, immediately begin displaying the information item, as described in Col. 11 Lines 46-49).

9. In reference to Claim 2, Yen teaches the method according to Claim 1, wherein the announcement comprises one or more of a service announcement, a media announcement, and/or a data announcement (media announcements, such as important news items as described in Col. 13 Lines 7-19; with further reference to Col. 4 Line 65—Col. 5 Line 65).

10. In reference to Claim 3, Yen teaches the method according to Claim 1, comprising determining whether the received input one of accepts or rejects the delivered announcement (Foreground Element 122 can make several actions once the information item is received, such as request confirmation from the recipient, as described in Col. 11 Lines 42-57).

11. In reference to Claim 4, Yen teaches the method according to Claim 3, comprising, if the received input selection accepts the delivered announcement, transferring media associated with the delivered announcement for display on the television screen (if confirmed, Foreground Element 122 begins displaying the information item, as described in Col. 11 Lines 46-49).

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12. In reference to Claim 5, Yen teaches the method according to Claim 4, comprising transferring the media concurrently with viewing of the broadcast television program (Background Element 121 is continuously operational to control the Information Receivers 110 and to receive and process information therefrom, as disclosed in Col. 6 Lines 7-9).

13. In reference to Claim 6, Yen teaches the method according to Claim 1, comprising if the received input comprises an acceptance of the delivered announcement and the delivered announcement comprises a service announcement, delivering service information related to the service announcement to the user within the home (electronic mail messages, as described in Col. 6 Lines 35-45; with further reference to Col. 4 Line 65—Col. 5 Line 65 and Col. 13 Lines 7-19).

14. In reference to Claim 7, Yen teaches the method according to Claim 1, wherein the input is generated from one or more of a remote control, a keyboard, a scanning device, and/or an audio processing device (Input Device 132, such as a television remote control, as described in Col. 6 Lines 45-51).

15. In reference to Claim 8, Yen teaches the method according to Claim 1, comprising generating supplemental information related to the announcement in response to the received input (information items are displayed following confirmation as described in Col. 11 Lines 46-49 and Col. 9 Lines 13-50).

16. In reference to Claim 9, Yen teaches the method according to Claim 8 comprising presenting the supplemental information to the user (display of information items, as described in Col. 9 Lines 13-50).

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17. In reference to Claim 10, Yen teaches the method according to Claim 8, comprising presenting on the television screen, the supplemental information to the user concurrently with the broadcast television program (Foreground Element 122 can enter active mode for presentation of information items in an unobtrusive location, as described in Col. 11 Line 61—Col. 12 Line 2; with further reference to Col. 9 Lines 13-50 and Col. 13 Lines 59-67).

18. In reference to Claim 32, Yen teaches the method according to Claim 1, wherein said user profile is established by said user (recipient's preferences are responsive to being set explicitly by the recipient, as described in Col. 10 Lines 15-20).

19. In reference to Claim 34, Yen teaches the method according to Claim 1, comprising receiving said announcement based on interaction of said user (recipient's preferences are responsive to being set implicitly by the recipient, such as based on viewing habits, as described in Col. 10 Lines 21-25).

20. In reference to Claim 35, Yen teaches the method according to Claim 34, wherein said user chooses when to view said announcement (recipient can set an alert threshold responsive to exogenous factors such as a day of the week or a time of day, as described in Col. 12 Lines 27-31).

21. In reference to Claim 36, Yen teaches the method according to Claim 1, wherein said user decides if and when said announcement should be received (recipient can set an alert threshold responsive to exogenous factors such as a day of the week or a time of day, as described in Col. 12 Lines 27-31).

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22. In reference to Claim 11, Yen teaches a machine-readable storage having stored thereon, a computer program having at least one coded section for providing information related to a broadcast television program, the at least one coded section being executable by a machine (Information Receiver 110 in conjunction with Multiplexer 120, as described in Col. 4 Lines 26-64) for causing the machine to perform the method of Claim 1 (as addressed above).

23. The limitations of Claim 12 have been addressed with reference to the machine-readable storage of Claim 11 and the method of Claim 2.

24. The limitations of Claim 13 have been addressed with reference to the machine-readable storage of Claim 11 and the method of Claim 3.

25. The limitations of Claim 14 have been addressed with reference to the machine-readable storage of Claim 11 and the method of Claim 4.

26. The limitations of Claim 15 have been addressed with reference to the machine-readable storage of Claim 11 and the method of Claim 5.

27. The limitations of Claim 16 have been addressed with reference to the machine-readable storage of Claim 11 and the method of Claim 6.

28. The limitations of Claim 17 have been addressed with reference to the machine-readable storage of Claim 11 and the method of Claim 7.

29. The limitations of Claim 18 have been addressed with reference to the machine-readable storage of Claim 11 and the method of Claim 8.

30. The limitations of Claim 19 have been addressed with reference to the machine-readable storage of Claim 11 and the method of Claim 9.

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31. The limitations of Claim 20 have been addressed with reference to the machine-readable storage of Claim 11 and the method of Claim 10.

32. The limitations of Claim 37 have been addressed with reference to the machine-readable storage of Claim 11 and the method of Claim 32.

33. The limitations of Claim 39 have been addressed with reference to the machine-readable storage of Claim 11 and the method of Claim 34.

34. The limitations of Claim 40 have been addressed with reference to the machine-readable storage of Claim 11 and the method of Claim 35.

35. The limitations of Claim 41 have been addressed with reference to the machine-readable storage of Claim 11 and the method of Claim 36.

36. In reference to Claim 21, Shoff teaches a system for providing information related to a broadcast television program (as shown in Fig. 1 and described in Col. 4 Line 23—Col. 7 Line 22), the system comprising: at least one processor (processor as part of Multiplexer 120, as described in Col. 4 Line 23-34) that performs the method of Claim 1 (as addressed above).

37. The limitations of Claim 22 have been addressed with reference to the system of Claim 21 and the method of Claim 2.

38. The limitations of Claim 23 have been addressed with reference to the system of Claim 21 and the method of Claim 3.

39. The limitations of Claim 24 have been addressed with reference to the system of Claim 21 and the method of Claim 4.

40. The limitations of Claim 25 have been addressed with reference to the system of Claim 21 and the method of Claim 5.

41. The limitations of Claim 26 have been addressed with reference to the system of Claim 21 and the method of Claim 6.

42. The limitations of Claim 27 have been addressed with reference to the system of Claim 21 and the method of Claim 7.

43. The limitations of Claim 28 have been addressed with reference to the system of Claim 21 and the method of Claim 8.

44. The limitations of Claim 29 have been addressed with reference to the system of Claim 21 and the method of Claim 9.

45. The limitations of Claim 30 have been addressed with reference to the system of Claim 21 and the method of Claim 10.

46. In reference to Claim 31, Yen teaches the system according to Claim 21, wherein the at least one processor is one or more of a media processing system processor, a media management system processor, a computer processor, media exchange software processor, and/or a media peripheral processor (computer processor, as described in Col. 4 Lines 23-34).

47. The limitations of Claim 42 have been addressed with reference to the system of Claim 21 and the method of Claim 32.

48. The limitations of Claim 44 have been addressed with reference to the system of Claim 21 and the method of Claim 34.

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49. The limitations of Claim 45 have been addressed with reference to the system of Claim 21 and the method of Claim 35.

50. The limitations of Claim 46 have been addressed with reference to the system of Claim 21 and the method of Claim 36.

Claim Rejections - 35 USC § 103

51. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

52. Claims 33, 38, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yen in view of Trajkovic et al, United States Patent (6,839,072 B2), hereinafter "Trajkovic".

53. In regards to Claim 33, Yen teaches the method according to Claim 1, however does not explicitly disclose wherein said user profile is a default user profile assigned to said user.

In a similar field of invention, Trajkovic teaches a method and system for organizing data related to television programs according to the preferences of a user (Abstract). Trajkovic additionally teaches that a default user profile can be assigned to the user (Col. 3 Lines 49-61).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Yen's teachings of delivering announcements based on a user profile to include a default user profile, as taught by Trajkovic, so that if a user does not have a profile one may be provided (as Trajkovic discusses in Col. 3 Lines 49-61).

54. The limitations of Claim 38 have been addressed with reference to the machine-readable storage of Claim 11 and the method of Claim 33.

55. The limitations of Claim 43 have been addressed with reference to the system of Claim 21 and the method of Claim 33.

Conclusion

56. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PATRICK A. RYAN whose telephone number is (571)270-5086. The examiner can normally be reached on Mon to Thur, 8:00am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. A. R./
Examiner, Art Unit 2427
Wednesday, September 02, 2009

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2427